

PPM 110 NONDISCRIMINATION & CONSUMER RIGHTS

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PURPOSE

It is the policy of Vocational Rehabilitation (VR) to administer the VR program and provide vocational rehabilitation (VR) services in a manner that recognizes and respects the personal dignity and individual rights of each consumer and empowers them to participate actively in their own vocational rehabilitation, pursue meaningful careers, exercise self-determination and informed choice, achieve financial independence, obtain equal opportunity, and attain full integration and inclusion through gainful employment in integrated settings

[AUTHORITY: Rehabilitation Act, 29 USC 701(a)(3) and (6); 701(b)(1); 701(c); 720(a)(3)]

POLICIES AND PROCEDURES

110-01. Nondiscrimination Policies

1. Nondiscrimination Statement

Each referral and application is solicited and accepted, eligibility determinations are made, and vocational rehabilitation (VR) services are provided without regard to any consumer's age, gender, race, color, creed, or national origin.

2. Age Considerations

No upper or lower age limit is imposed as a condition of eligibility or the provision of VR services that would disqualify from VR services any otherwise eligible consumer; however, a consumer whose age precludes him or her from working is ineligible for services (as, for example, a minor too young to secure a valid work permit, who would not, therefore, require VR services for purposes of employment).

3. Type of Disability; Referral Source; Expected Employment Outcome; Type, Duration and Costs of Services Needed; and Personal and Family Income

Consumers cannot be determined to be either eligible or ineligible for VR services based solely on the type of their disability, the source of their referral, their expected employment outcome, the anticipated type, duration, or cost of VR services needed for them to prepare for, obtain, and maintain employment, or the income of the consumer or the consumer's family.

[AUTHORITY: Federal regulations, 34 CFR 361.36(d)(2)(ii)-(vii); 361.42(c)(2)]

110-02. Residency

Vocational Rehabilitation will not impose, as a condition for eligibility or the provision of VR services, any duration of residency requirement that excludes from services any consumer who is present in the state and applies in accordance with VR application requirements.

[AUTHORITY: Federal regulations, 34 CFR 361.32(d)(2)(i); 361.42(c)(1)]

110-03. Undocumented and Non-Resident Aliens

Undocumented and non-resident aliens who are not permitted to work in the United States are not eligible for VR services, inasmuch as they cannot lawfully engage in employment. The VR Counselor can require the consumer to provide proper documentation of worker status, can verify the consumer's status with the Immigration and Naturalization Service (INS), or both prior to providing VR services.

[AUTHORITY: State agency policy, per 34 CFR 361.39, based on federal regulations, 34 CFR 361.42(a)(1)(iii)]

110-04. Statewide Availability of Services

Unless a waiver of statewideness has been applied for and approved by the Secretary of the U.S. Education Department (ED), all VR services

provided in Indiana must be made available statewide, as appropriate to each consumer.

[AUTHORITY: Federal regulations, 34 CFR 361.25]

110-05. Presumption of Ability to Achieve Gainful Employment

Except where otherwise indicated (see, for example, sections 110-01.2 and 110-03), all consumers, including consumers with the most significant disabilities, are generally presumed to be capable of achieving gainful employment.

[AUTHORITY: Rehabilitation Act, 29 USC 720(a)(1)(C) and (3)(A);
Federal regulations, 34 CFR 361.42(a)(2)]

110-06. Confidentiality

Consumers have the right to expect that the confidentiality of their personal information will be strictly maintained by VR, unless the consumer or the consumer's representative provides prior, informed, written consent for its disclosure or disclosure is expressly required or permitted by law. (See [PPM chapter 300](#) for further information concerning confidentiality and disclosure.)

[AUTHORITY: Rehabilitation Act, 29 USC 701(c)(2); Federal regulations, 34 CFR 361.38]

110-07. Informed Choice and Consumer Participation

1. Determinations Requiring Informed Choice

A. Each consumer has the right to participate fully in his or her own rehabilitation and, consistent with his or her vocational rehabilitation needs, to make informed choices about:

- his or her employment outcome and employment setting;
- the specific services required for the consumer to achieve the employment outcome;

- the service providers used and the settings in which services are provided; and
- the methods used to secure the services provided.

B. VR facilitates informed choice by offering timely and objective information, and by assisting each eligible consumer in the exploration of his or her vocational strengths, resources, priorities, concerns, abilities, capabilities, and interests through individualized counseling and guidance.

2. Consumer Obligations

Consumers are expected to engage in realistic self-evaluation, make reasonable and informed choices, demonstrate initiative, cooperate with service provision, and endeavor to achieve an employment outcome for the maximum number of hours possible, based on their unique strengths, resources, priorities, concerns, abilities, and capabilities.

[AUTHORITY: Federal regulations, 34 CFR 361.5(b)(16); 361.42(a)(4); 361.45(b)(2); 361.45(d)(2); 361.46(a)(1), (2)(ii), (4); 361.47(a)(7); 361.48 and 48(c); 361.50(a); 361.52; 361.53(b)(2); 361.56(a)]

110-08. Involvement of Family Members and Other Advocates

Every consumer has the right to involve or not to involve family members and other advocates, aides, and representatives of the individual's informed choice in his or her vocational rehabilitation program, and to utilize available family and community-based supports.

[AUTHORITY: Rehabilitation Act, 29 USC 701(c)(4); 720(a)(3)(D)]

110-09. Integrated Settings

VR services are provided and employment outcomes are provided in the most integrated settings possible, consistent with each consumer's

informed choice and the availability of services and employment opportunities.

[AUTHORITY: Federal regulations, 34 CFR 361.5(b)(11), (16), (33), (53), (56); 361.37(b); 361.42, 361.42(e)(2)(i), and 361.42(f)(2); 361.45(f)(2)(i); 361.46(a)(2)(ii); 361.46(b)(7); 361.47(a)(8); 361.52(c)(5); 363.6(c)(1)(i), (2)(i)(A), (2)(ii), and (2)(v); 363.11(g)(7)]

110-10. Request for Review of VR Decisions

Applicants and eligible consumers who disagree with any decision made by VR affecting the VR services they receive may request a timely review of the decision through mediation and an impartial due process hearing. (See PPM chapter 320 for further information concerning mediation, impartial due process hearings, and other dispute resolution provisions.)

[AUTHORITY: Federal regulations, 34 CFR 361.45(c)(2)(iii); 361.47(a)(11); 361.57]

110-11. Availability of the Client Assistance Program (CAP)

Every consumer must be apprised of the client assistance program, its availability, its purpose, and how the consumer can contact the CAP for assistance.

[AUTHORITY: Federal regulations, 34 CFR 361.43(c); 361.45(c)(2)(iv); 361.57(b)(5); 34 CFR 370]

110-12. Appropriate Modes of Communication

To the maximum degree possible, consumers are provided VR information and services using the mode of communication of their informed choice. VR makes all reasonable efforts to use modes of communication appropriate to each consumer's disability, and to offer VR materials in alternative formats. In situations in which a consumer's particular communication needs cannot be met, the counselor should refer the case to the Area Supervisor for review.

[AUTHORITY: Federal regulations, 34 CFR 361.5(b)(5); 361.18(e)(2); 361.20(e); 361.37(a)(1); 361.38(a)(1)(ii); 361.43(b); 361.51(c); 361.52(b)(1); 361.56(d)]

110-13. Required Notifications

1. VR Consumers must be informed regarding their rights as VR consumers.
2. At the time of application, counselors must provide each consumer with a copy of the VR handbook, *The Road to Work*. The handbook includes notifications and explanations of the nondiscrimination and other consumer rights described in this chapter. Throughout the consumer's rehabilitation program, references must be made to the handbook and pertinent sections of the handbook discussed and explained through counseling and guidance at appropriate times.

[AUTHORITY: Federal regulations, 34 CFR 361.37(a)(1); 361.38(a); 361.41(a); 361.42(a)(4)i); 361.43(b); 361.43(c); 361.45(c); 361.46(a)(6); 361.48(c) and (d); 361.49(a)(3); 361.52; 361.53(b)(2); 361.56(d); 361.57(b)(1); 363.56]

